

N.C.P.I.—Crim. 233.83

FURNISHING A TOBACCO PRODUCT (INCLUDING VAPOR PRODUCTS) TO AN INMATE. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-258.1(c)

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NOTE WELL: If the offense involves furnishing a controlled substance to an inmate, use N.C.P.I.-Crim. 233.80. If the offense involves furnishing a deadly weapon, cartridge or ammunition to an inmate, use N.C.P.I.—Crim. 233.81. If the offense involves furnishing an alcoholic beverage to an inmate, use N.C.P.I.—Crim. 233.82. If the offense involves furnishing a cell phone to an inmate, use N.C.P.I.—Crim. 233.84.

The defendant has been charged with furnishing a tobacco product to an inmate [of the Division of Prisons of the Department of Adult Correction] [in the custody of a local confinement facility]. (Tobacco product includes a vapor product.)¹

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that (*name inmate*) was an inmate [of the Department of Adult Correction] [in the custody of a local confinement facility]. (*Name facility*) is [within the Department of Adult Correction] [a local confinement facility].

And Second, that while said inmate was an inmate of (*name facility*), the defendant knowingly² [sold] [gave] a tobacco product to [the inmate] [a person who was not an inmate for delivery to (*name inmate*)]³.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name inmate*) was an inmate at (*name facility*) and that the defendant knowingly [sold] [gave] a tobacco product to [the inmate] [a person who was not an inmate for delivery to (*name inmate*)], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 148-23.1 defines “tobacco product” as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use. The term also includes vapor products. Vapor products are non-lighted, non-combustible products that employ a mechanical heating element, battery or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

2. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

3. N.C. Gen. Stat. § 14-258.1(c) excepts tobacco products that are for authorized religious purposes.